

<b>Topic:</b>	Employment Services IV.b. Decision Not to Explore Employment (DNE) Guide
<b>Date Issued/ Updated:</b>	01/01/2024

**Overview: This guide provides the following information:**

1. Clarification of When a Person Should Have a DNE
2. The Purpose & Origins of the DNE
3. Technical Assistance Tool Appendices:
  - [A: How to Structure the Employment Conversation](#)
  - [B: Supporting Someone who has Challenges Communicating or Understanding](#)
  - [C: Supporting Someone who has a Guardian or Conservator](#)
  - [D: Completing the DNE](#)
    - The Components of the DNE
    - Sending the DNE to ODDS
    - Answering the Questions
  - [E: Frequently Asked Questions](#)

**Clarification of When a Person Should Have a DNE**

The DNE stands for “Decision Not to Explore Employment.” Sometimes people have thought a person must have a DNE if they are not planning to get a job during their ISP year; however, this is not the case. A DNE is for a person who is choosing not to do anything that would help them explore employment this ISP year.

Following are just a few examples of when a person should have a CDP instead of a DNE. The person should have a CDP when they are:

- Getting a job on their own without VR and/or ODDS services
- Pursuing or participating in training or additional education
- Working independently (without any job coaching supports)

- Spending time learning new skills or doing things to increase their employment opportunities even if they are not using and/or requesting VR and/or ODDS employment services to do so (e.g. such as getting a criminal record expunged)

The DNE is only applicable to Working Age Adults. Youth who are still in school under IDEA may not have a DNE. Please note, when a person is at least 16 years old and has exited school, they are a “Working Age Adult” for the purposes of the CDP.

## **The Purpose & Origins of the DNE**

The purpose is to ensure that the person is making the most informed decision possible regarding employment. The person must be the one driving their decisions.

A community workgroup designed the DNE with these principles:

1. With the right supports, everyone can work.
2. The conversation must be grounded on a positive premise.
  - a. No assumptions about a person’s skills, wishes or abilities
  - b. A DNE is not a “given” – for example, just because Sue had a DNE last year does not mean she will have a DNE this year.
  - c. The community workgroup designed the DNE with questions that are grounded in the belief that everyone has interests, talents and the ability to be a valued employee.
3. The DNE must reflect the person’s wishes.

The document belongs to the person and must reflect what the person wants. It should be clear when the information is provided by others. Even if the person has a guardian or conservator, the person’s desires must be reflected in the DNE and be the primary perspective.

People do not have to state, “I want to work,” to explore, pursue or obtain employment. Many people may never state those words or words like them. It is not sufficient to write that the person does not understand without an explanation of what the team did to help the person understand. Examples of things that may indicate that the person has an interest in employment,

include:

- Enjoys volunteering
- Has financial goals – buying a home; going on a trip; a hobby, etc.
- Likes helping others
- Values being part of a team

**Applicability:** Service Coordinators and Personal Agents will use this policy in the creation and monitoring of DNEs.

**Resources:** [The ODDS Employment First Policy Page](#); [Employment Service Videos & Fact Sheets for People and Families](#); [Employment Success Stories](#); [Family Testimonials](#); [Listing of Local Employment First Teams](#); [Employment First Training Calendar](#); [Review/Compare Provider Employment Data](#)

**Form(s) that apply:** ISP, One Page Profile, Person-Centered Information (PCI)

**Contact(s): Name:** Julie Huber; (503) 990-3328; [julie.l.huber@odhs.oregon.gov](mailto:julie.l.huber@odhs.oregon.gov) or the [ODDS Regional Employment Specialists](#)

## Appendix A: How to Structure the Employment Conversation

The DNE's structure promotes a positive conversation. Understanding that the person's supporters may come to the employment conversation with a pre-determined "no," the community designed the DNE with questions that are grounded in the belief that everyone has interests, talents and the ability to be a valued employee. The questions are structured so that the person and the team have a clear of understanding of what work is as well as why the person does not want to even explore employment.

Employment First means employment for all – there are no "tests" to pass or benchmarks to meet. Employment-related experiences are particularly vital for people who choose not to work – people must have the opportunity to understand and experience what they are saying "no" to.

Conversations do not substitute for experiences – especially for people who are perceived to have the most significant barriers – including communication, behavioral or medical challenges.

We encourage you to consider this Appendix as a resource to supplement experiences that have been tailored to the person. To have an impact, conversations and experiences must be tailored to the needs, interests and circumstances of each person. For example, someone who has communication challenges may benefit from a wide variety of tools and experiences to help them to make an informed choice.

Finally, it is crucial that each of us recognize if or when we have difficulty imagining a particular person being successfully employed. The best way to support someone in this situation is to ensure we do not become the barrier. It is a sign of dedication to the person when we realize we may be the barrier and, with the person's permission, enlist the help and the expertise of others to help the person move forward.

Below are some topics to reflect on prior to having the conversation.

1. What do you want to accomplish this ISP year?
2. What you want your life to look like when it's time to write your ISP next year?
3. What is working/not working for you now?

4. How will we discuss the advantages of integrated employment? Examples are:

Contributing to your community	Structure in your day
Making friends	Income (vacations, housing, etc.)
Quality of life: confidence, sense of belonging, socialization	

5. How will we discuss the disadvantages of not working in integrated employment? Some examples are:

Isolation	Days may be empty
Fewer opportunities to meet people	Not learning new things
Lack of a paycheck reduces choices and control about where to live, etc.	

6. Why are you unsure about pursuing and/or exploring integrated employment?

- a) If it is due to limited or no exposure to integrated employment, what is the plan to address this?
- b) Concern about loss of benefits? If yes, what is the plan to get work incentive information/benefits counseling? (one example is assistance from Disability Rights Oregon or VR)
- c) Reluctant to change routine or it is difficult to re-structure supports? (For example, the following supports would need to be altered or added, transportation, residential support, etc.)
- d) No supports for work? If yes, what is the plan to explore the supports the person needs? Discouraged by family? If so, is there a plan to overcome this issue?
- e) Discouraged with VR process or found ineligible by VR? If so, is there a plan to overcome this issue?
- f) Discouraged by health issue or disability? If so, is there a plan to overcome this issue?

## Appendix B: Supporting Someone who has Challenges Understanding or Communicating

It is each person’s decision whether or not to explore or pursue community employment. As discussed in [Appendix A](#), conversations do not substitute for experiences. Even when a person does not know if they are even interested in working, they are eligible for an ODDS Employment Service.

Communication is the core of person-centeredness. Imagine you are having an emergency in a country where you do not speak the language. Think of how you would try to communicate. Examples might include: pointing, gesturing, nodding, signaling for people to follow you, etc. You would not resign yourself to the situation without trying to communicate.

If you were not able to get your point across, you would recount your efforts when describing the events to others.

Similarly, statements like the ones below do not justify bypassing making robust attempts to communicate with the person. An inclination to make such statements doubles our obligation to find a way to understand what the person wants.

- **The person's IQ score:** The people we support navigate the world in spite of cognitive challenges. It is our role to make this navigation easier.
- **The person cannot communicate:** Everyone communicates in some way. Diligent observation will yield some clues on what works best. Other resources may include: the PCI and ISP.
- **The person does not understand concept of work and/or money:** What is the person's reference point? A job that frustrated them? Do they volunteer? Do they have goals that require financial means such as vacations, making major purchases, hobbies, etc.?

Possible starting points for communicating about working include:

- Work they enjoy doing at home
- Do they have a special talent?
- Do they enjoy helping with certain tasks or activities?
- Hobbies or other community connections: volunteering, clubs, church, community events
- How they spend their time in employment services or DSA

If, after you have made a concerted effort to help the person understand, and they either do not understand or have a limited understanding, consult others who may have ideas about how to reach the person. If the person still has limited understanding, document these efforts in the DNE.

## Appendix C: Supporting Someone Who Has a Guardian or Conservator

It is important to support people to make their own decisions about employment and career advancement. Research shows people who are supported to make their own decisions are more independent, more likely to work, and better employed.<sup>1</sup> In Oregon, guardians have a legal obligation to support the person to make their own decisions to the extent possible. See ORS 125.315(1)(g), which requires that the guardian promote the self-determination of the person, encourage the person to act on their own behalf, and participate in the decisions as much as possible.

Oregon law also requires that guardians make decisions based on what the person wants. [ORS 125.315\(1\)\(h\)](#). Since the guardian is required to make decisions based on what the person would have decided, the guardian does not have the authority to veto or override a person's decision to seek employment, training, or education.

When a team is unsure about whether a person has communicated an interest in working, it is reasonable to rely on what you know about the person, their preferences, and also what a similarly situated person would do and, therefore, presume a working age adult will choose to work. Similarly, it is reasonable to presume that a youth would want to explore employment opportunities. If a team is unsure about whether a person is interested in work, a team may move forward with ensuring the person has opportunities to participate in various work experiences and gather information regarding types of work a person might be interested in. Teams may presume a working age adult is interested in working, just like other similarly situated adults.

Based on work opportunities, the team can gather information about what a person is communicating regarding their preferences related to work. A person might need to experience different environments. A person might need someone close to them to help them communicate their preferences. Information should always be communicated in a format most accessible to the person.

ODDS has received feedback that often indicates guardians or other ISP team

---

<sup>1</sup> See p. 131. [https://ncd.gov/sites/default/files/NCD\\_Guardianship\\_Report\\_Accessible.pdf](https://ncd.gov/sites/default/files/NCD_Guardianship_Report_Accessible.pdf)

members are concerned about the impact of working and an individual's benefits. Benefits counseling (through WIN, WIPA, or an ODDS provider) may be an important service to bring the entire team on board with the person's plan for work and employment success while also maintaining important healthcare and long term supports.

A guardian does not have authority to override a person's decision to seek employment. The scope of a guardian's authority with regards to employment and training is "to arrange for" training and education opportunities. See ORS 125.315(1)(b) The person retains the authority to consent to education and training on his or her own behalf. (Note that, ORS 125.315(1)(c) does, however, give the guardian authority to "consent to" healthcare).

## **Appendix D: How to Complete the DNE**

When a working age adult decides that they are not interested in even exploring Competitive Integrated Employment, the SC/ PA must document this in the DNE.<sup>1</sup> Please note, when a person is at least 16 years old and has exited school they are a "Working Age Adult" for the purposes of the CDP. The SC/PA has all of the following responsibilities when completing a DNE:

1. Documenting that the annual employment conversation took place. The documentation must capture the components of that conversation, including that the conversation was grounded in the premise that the person is capable of working in an integrated setting and wants to work. The documentation must also demonstrate that the conversation was held in the manner that was the most accessible and understandable for the person.
2. Informing the person and his or her ISP Team that this decision means that the person has elected not to receive any of the following ODDS Employment Services: Employment Path (Community/Facility), Discovery, Small Group, Job Coaching and Job Development. Document this in the DNE.
3. Documenting that the person and his or her ISP Team understands that he or she can change their employment decision at any time during their ISP year. If a person changes their mind and decides that at the very least, they want to explore Competitive Integrated Employment in the general workforce, then, replace the DNE with a CDP.



4. Submitting the PCI. The primary purpose of this is to show how employment was discussed by the person and others important to them such as family, and employment, day, and residential providers.

## Components of the DNE

The Required Components of a DNE are:

1. The One-Page Profile
2. The entire PCI document
3. Page 3 of the ISP
4. DNE Section. The answers in the DNE must be substantiated by the PCI.

The PCI and the One Page Profile offer insight and context that can support the person and the team to have a robust discussion. These documents and the entire ISP should also ensure that the conversation is held in a manner that is most accessible to the person.

For example, it is not sufficient to make statements such as: “Joe does not understand the concept of work or money.”

If this statement or a similar one is in the DNE, it must be accompanied by a description of what the SC/PA did to help the person understand.

When a DNE is done, at minimum, the One Page Profile, entire ISP and entire PCI must be sent within a month by either:

1. Sending the documents to [odds.careerdevelopmentplan@odhsoha.oregon.gov](mailto:odds.careerdevelopmentplan@odhsoha.oregon.gov) via secure email. To request a secure email link, email this address requesting one; or
2. Uploading to eXPRS and sending a secure email to the address above as a notification that the documents are in eXPRS.

## Barrier & Strategies Chart

A community workgroup structured the DNE to promote a robust discussion. The first item, Barriers and Strategies, like the rest of the DNE, is designed to support the person to make a decision based on facts rather than myths or erroneous

information.

The workgroup structured the DNE to ensure everyone understood the reason for the decision – most importantly, the person. By starting with Barriers and Strategies, the person and the team may identify solutions that allow the person to feel comfortable with at least exploring employment. With this information, the person and the team can discuss various factors such as:

1. Are circumstances temporary, permanent or perceived to be permanent?  
For example, the person is caring for a terminally ill family member or friend.
2. Something that an ODDS service can address – example, benefits counseling could address concerns about the effects of working on Social Security Disability Benefits
3. Something that a natural support or a specific outcome can solve – example, a person who wants to work close to home – specify what close to home is, once this is defined, shape an outcome that specifies this. If the person's preferred vicinity may not hold many employment opportunities, discuss this with the person and find out if there are other solutions that would address their concerns.
4. Does the person have all the information they need? Below are some of the most common myths:
  - a. There are certain services I must participate in before I pursue employment.
  - b. I had a job in CIE or small group and didn't like it, so I'll never like working.
  - c. I didn't like the sheltered workshop, so I won't like working.
  - d. I struggled at doing my job in CIE, small group or the workshop, so I'll struggle with any type of work.
5. Concerns: Below are examples of common concerns and potential strategies:
  - a. I won't see my friends. **Potential Strategy:** build time with friends into the ISP.

- b. I won't be able to pursue hobbies or interests because I am working. **Potential Strategy:** Create outcomes about hobbies/interests in ISP.
- c. Working in the community is not safe. **Potential Strategy:** Create outcomes that take those concerns seriously. For example, if you don't want to work around more than 20 people – the SC/PA must specify that in the outcome.
- d. I will have less money because my SSI/SDDI amount will decrease if I work. **Potential Strategy:** Benefits Counseling
- e. I have nothing to offer an employer. **Potential Strategy:** Every person has talents and gifts. Think about what you like to do – this can include everything from your hobbies to volunteering to how you help family and friends.
- f. Concerns other people may raise. The person is the one who makes the decision about whether or not to get a job. However, the people around us often have great influence on our decisions. Sometimes we might make a decision to please others rather than doing what we want. Examples of concerns others may raise, include but are not limited to:
- **Hygiene** – Is the person afraid of falling in the bathtub/shower? Is freshly laundered clothing available on a consistent basis? Is this just the person's preference? If so, does the person understand how this will affect their job prospects? If the person does not want to change their hygiene habits, are their jobs where their hygiene might not be a huge issue?
  - **“Too disabled”** – Use [videos/articles](#) on ODDS website. Find a job developer who will tailor the job search to meet the person's conditions for success.
  - **Communication** – What works/does not work for the person? How could the person's current communication method function in a workplace? Is their technology or other means that might help the person.
  - **Person has “behaviors”** - Employment First means that with the right

supports everyone can work. Start with what works/what does not work. For example, if loud noises cause the person distress, the CDP will specify avoiding environments where loud noises would be common.

- **Probation/Parole** – Start with the conditions of person’s parole/probation and then what is most crucial to the person’s success.
- **Person does not understand the concept of work and or money** - It is not sufficient to document that the person does not have a concept of work, money, etc. If, after you have made a concerted effort to help the person understand, and the person either doesn’t understand or has limited understanding, consult others who may have other ideas to help the person understand.

If the person still has limited understanding, document these efforts in the DNE. Making money is not the only motivator for people to choose to work as well. Sometimes this is the last thing they care about and may choose to work for many other reasons that are important to them.

## **Decision Not to Explore Employment Section**

### **Talents, Interests & Preferences**

The conversation about employment-related skills must focus on what the person excels at – nearly every skill a person has relates to employment. Examples of skills include organization; never forgets a name; friendly; punctual; detail oriented. The person may also have employment-specific skills like painting; good with technology; advocating, etc.

If the person has a skill but they don’t enjoy it, ask the person if they want to list it. People have often held jobs that were more focused on duties that frustrated them rather than ones that were grounded in their gifts, skills and interests. For example, a person may be great at washing dishes but they do not want a job as a dishwasher.

**Reasons for DNE:** See the discussion of barriers in this document.

## Questions

### 1. Does the person want to work now in integrated employment?

If the person will be doing things that develop skills or provide them with opportunities to explore other skills or possibilities that could lead to employment, the person should do a CDP and not a DNE.

### 2. Does the person want to work in integrated employment in the future?

While some people will answer “no,” the person should realize what unintended consequences this may have. For example, because of this answer, the team may assume that the person will never change their minds. Figure out a way to come at this fresh every year if a DNE is in place and/or throughout the ISP year.

- **If the answer was “no” to #1 and/or #2, explain why the person does not want to work now or in the future.**

This question, early in the DNE, is designed to facilitate a conversation with the person about the reasons for their decision. No one has to justify their decision. However, there are endless myths about work – for example, the loss of benefits, the belief that someone won’t have time for their hobbies or friends.

### 3. Has the person had an opportunity to experience integrated employment that meets their skills and interests?

- **If “yes,” please briefly describe their integrated employment experience.**

Often people have had frustrating experiences with work – especially when a job has been grounded in things that frustrate the person. By describing their employment experience, the person and the team can discuss what worked/what did not work.

- **If “no,” describe why they have not had this opportunity and if there is a plan to remedy this situation.**

Throughout the ISP year, it is critical to discuss why the person has not had this opportunity. It's critical that the person is making an informed decision. For example, if you'd never been to Australia and someone asked you if you liked Australia – your answer would not be based on the best information available – experience.

The “remedy” portion of this question is crucial. It should be rare when the answer is “no.”

**4. Describe the benefits integrated employment would have for the person.**

Work has numerous benefits: inclusion; reducing isolation; growth; meeting new people; money; structure to our days, etc. Instead of saying, “Sue would have less money,” include how the discussion helped Sue to understand how working could help her reach certain goals. For example, Sue wants to go to New York. Help her to understand that money will present her with more options for her trip.

**5. Describe the discussion about choosing not to work in integrated employment.**

There are universal drawbacks to choosing not to work. The purpose of this question is to make sure the person understands what work is. As in the answer to the previous question, the drawbacks need to focus on the person's specific situation. For example, is the person lonely or bored? Work is an opportunity to connect with others and learn new things.

A DNE is for a person who is choosing not to do anything that would help them succeed in employment. So, if a person is volunteering, they are developing skills and habits that would help them to be employed. Even though that person may not be planning on pursuing or getting a job in their current ISP year, they should have a CDP and not a DNE.

**6. Does the person understand that they can change their mind at any time during the next 12 months and decide to pursue, explore or obtain individual, integrated employment?**

This answer documents that the person and their ISP Team understands the person can change their employment decision at any time during their ISP year. If a person changes their mind and decides that at the very least, they want to explore Competitive Integrated Employment in the general workforce, then, replace the DNE with a CDP.

**7. Share any additional information about this decision.**

This question is optional for the SC/PA to complete if there is any additional information that should be added that was not captured elsewhere.

## Appendix E: Frequently Asked Questions

**1. If a high school student does not want to work, does a DNE need to be done?**

No. Because the student is choosing to avail themselves of resources available to them through IDEA, do not complete a DNE.

**2. If a person who is of retirement age decides that they do not want to work in the community; does a DNE need to be done?**

No, in this circumstance, a DNE only needs to be completed if the person wants a DNE.

**3. Can a person of retirement age use an ODDS Employment Service if they do not have a goal of at least exploring Competitive Integrated Employment?**

No, everyone who uses an ODDS employment service must have a goal of at least exploring Competitive Integrated Employment. Day Service Activities may be an option for a person who chooses to have a DNE. Please note, a person who has a DNE may change their mind about working at any time during their ISP year. However, just like anyone else, a person may want to retire after years of working. Typically, retirement is the result of thoughtful planning that begins while the person is still working. The ISP/CDP must be reflective of this type of planning when someone is in this circumstance.

**4. Does a person with a CDP have to use or request an ODDS Employment Service or a VR Service?**

No, a person with a CDP does not have to use or request any employment

service from ODDS or VR.

**5. Is it allowable to cut and paste the same answer to questions in the DNE or for an SC/PA to use standardized responses (template answers) across multiple DNEs?**

No, it is not. The DNE was created to help ensure that each person only made the decision not to even explore employment after a robust discussion. DNE responses must reflect the specifics of the discussion with the person and their team.

**6. If a person has a DNE one year and decides to have a DNE again, do we have to complete the DNE or can we just keep the previous answers?**

You must create a new DNE. The DNE was created to help ensure that each person only made the decision not to even explore employment after a robust discussion. It documents that the discussion began on a positive premise every year and how the person made the decision.

**7. Does a person have to state, “I want to work,” or “I want to explore work” to have a CDP?**

There are numerous ways that people communicate that they want to work. People do not have to state, “I want to work,” to explore, pursue or obtain employment. Many people may never state those words or words like them. It is not sufficient to write that the person does not understand without an explanation of what the team did to help the person understand.